

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TP ICAP AMERICAS HOLDINGS, INC.,

Plaintiff,

v.

ICAP ENTERPRISES, INC., et al.,

Defendant.

Case No. C21-539-MLP

ORDER

Before the Court is Defendant Hafen, LLC’s (“Hafen”) “Unopposed Motion to Vacate Clerk’s Entry of Default” (“Hafen’s Motion”). (Dkt. # 33.) On June 10, 2021, the Clerk entered default against Defendant Hafen because it failed to answer, plead, or otherwise defend against Plaintiff TP ICAP Americas Holdings Inc.’s (“Plaintiff”) complaint for trademark infringement and related claims. (Dkt. # 21.) On July 23, 2021, Defendant Hafen filed an answer (dkt # 32) and the instant motion (dkt. # 33).

Hafen requests that the Court vacate the default previously entered because its failure to timely was unintentional and Hafen engaged counsel and appeared promptly after learning it had been sued. (Dkt. # 33 at 1, 5.) Hafen states that it never used, contributed to, or facilitated the use of the subject trademarks in the marketplace and, therefore, it cannot be liable for trademark

1 infringement or any of Plaintiff's claims. (*Id.* at 5-6.) Hafen additionally argues its two-month
2 delay in answering did not result in prejudice to any of the parties. (*Id.* at 6-7.) In total, Hafen
3 argues "good cause" exists for the Court to set aside the Clerk's Order of Default so that it can
4 defend itself on the merits. (*Id.*)

5 Accordingly, based on Hafen's Motion (dkt. # 33) and that opposing counsel has no
6 opposition, the Court hereby ORDERS:

- 7 (1) Hafen's Motion (dkt. # 33) is GRANTED;
8 (2) The Clerk's Order of Default (dkt. #21) is VACATED; and
9 (3) Hafen's Answer (dkt. # 32) is accepted as filed.

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11 Dated this 26th day of July, 2021.

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14 MICHELLE L. PETERSON
15 United States Magistrate Judge
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